

TITLE 8 DEVELOPMENT CODE
DIVISION 7: GENERAL DESIGN STANDARDS
CHAPTER 2: DEDICATIONS AND STREET IMPROVEMENTS.
Sections:

- 87.0201 Dedication of Additional Highway Right-of-Way.
- 87.0205 Installation of Street Improvements.
- 87.0210 Delayed Improvements - Bonding/Lien Developer Agreement.
- 87.0215 Waiver of Requirements - Procedure.
- 87.0220 Office of Building and Safety Determination.

87.0201 Dedication of Additional Highway Right-of-Way.

Prior to final inspection of any buildings or structures in the unincorporated areas of San Bernardino County, the dedication of additional highway right of way may, at the discretion of the Director of Transportation and Flood Control, be required to comply with the County General Plan, any adopted specific plan, any Local Area Transportation Facilities Plan or the provisions of any specific ordinance which has established a future right of way line. Where none of the foregoing exist, the required dedication in the desert areas shall be forty-four (44) foot half width on section lines and quarter section lines and thirty (30) foot half width on sixteenth section lines. In the mountain areas, a twenty (20) foot half width from centerline shall be required; however, whenever the Director of Transportation and Flood Control waives this dedication requirement, a ten (10) foot half width shall be the absolute minimum required. In the valley areas, additional right-of-way shall be required in compliance with road widths established by the County General Plan after review by the Director of Transportation and Flood Control.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3384 (1990); Amended Ordinance 3427 (1990); Amended Ordinance 3616 (1995)

87.0205 Installation of Street Improvements.

Prior to Final Inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic such that the construction of street improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Transportation and Flood Control, be required in accordance with the current adopted County standards. "Street improvements" include any or all curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director of Transportation and Flood Control.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

87.0210 Delayed Improvements -- Bonding/Developer Lien Agreement.

Such right-of-way dedication and installation of street improvements shall be required prior to the occupancy of the premises or commencement of the above referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the County Transportation and Flood Control Department to make such improvements, and a cash deposit, a surety bond, a developer lien agreement or such other form of surety as may be acceptable to the County Transportation and Flood Control Department in an amount equal to the estimated cost of the improvements as determined by the County Engineer, shall be posted with the County Transportation and Flood Control Department in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefor is made by the County. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California. If a developer lien agreement is used, it shall be used only for commercial or industrial development and shall be prepared and processed in accordance with County policy.

Readopted Ordinance 3341 (1989); Amended Ordinance 3657 (1996); Amended Ordinance 3779 (1999)

87.0215 Waiver of Requirements -- Procedure.

(a) Requirements for all improvements in the public right-of-way will be specified by the County Department of Transportation and Flood Control. Request for a waiver of any of these requirements may be made to the Director of Transportation and Flood Control who shall have the authority to approve modifications or reject any of the requirements.

(1) Prior to waiving or modifying any improvement requirement, the Director of Transportation and Flood Control shall find as follows:

(A) That the waiver or modification of the required improvement would not adversely affect the public health and safety.

(B) That neither the improvements being waived nor the modifications authorized delete improvements which are a necessary prerequisite to the orderly development of the surrounding area.

(2) Prior to waiving any improvement requirement, the Director of Transportation and Flood Control may require a written agreement from the applicant, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. This agreement shall be recorded with the County Recorder.

(3) Appeal of Action by Director of Transportation and Flood Control. Any decision by the Director of Transportation and Flood Control pertaining to a request to waive or modify required improvements may be appealed to the Planning Commission.

Readopted Ordinance 3341 (1989)

87.0220 Office of Building and Safety Determination.

Before Final Inspection of any such building or structure, the Office of Building and Safety shall determine the following:

(a) That all of the required dedications have been provided.

(b) That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the County Department of Transportation and Flood Control to assure the installation of said street improvements.

Readopted Ordinance 3341 (1989)